

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chairman Mike Milburn, on March 30, 2009 at 3:15 P.M., in Room 472 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Mike Milburn, Chairman (R)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. JP Pomnichowski, Vice Chairman (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Jill Cohenour (D)  
Rep. Sue Dickenson (D)  
Rep. Betsy Hands (D)  
Rep. Brian Hoven (R)  
Rep. Tom McGillvray (R)  
Rep. Mike Menahan (D)  
Rep. Scott Mendenhall (R)  
Rep. Mike Miller (R)  
Rep. Michele Reinhart (D)  
Rep. Kendall Van Dyk (D)  
Rep. Chas Vincent (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Tony Belcourt (D)

**Members Absent:** None

**Staff Present:** Shirley Chovanak, Committee Secretary  
Joe Kolman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 76, 3/23/2009; SB 136,  
3/23/2009; SB 193, 3/23/2009

Executive Action: SB 360; SB 76; SB 136; SB 193  
SB 246; SB 297

00:00:00 Chairman Milburn

**EXECUTIVE ACTION ON SB 360**

00:01:20 **Motion:** Rep. Pomnichowski moved that **SB 360 BE CONCURRED IN.**

00:01:35 Joe Kolman, Legislative Services Division

**Discussion:**

00:02:37 Rep. Dickenson

00:02:51 Reps. Blewett and Hendrick leave.

00:10:31 Rep. Hands

00:14:18 Rep. Hoven

00:15:13 Rep. Hands

00:15:41 Rep. McGillvray

00:16:41 Rep. Menahan

00:19:09 Rep. Dickenson

00:19:29 Rep. Menahan

00:19:39 Rep. Dickenson

00:20:41 Rep. Hands

00:22:02 **Vote:** Motion passed by roll call vote 10-8 with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Cohenour, and Dickenson voting no. Reps. Hendrick, Blewett, and Belcourt voted by proxy. Rep. Menahan will carry the bill.

00:23:23 Chairman Milburn

**HEARING ON SB 76**

**Opening Statement by Sponsor:**

00:23:35 Sen. Jerry Black (R), SD 14, opened the hearing on SB 76, Revise enhanced recovery of oil and gas laws.

**Proponents' Testimony:**

00:27:21 Tom Richmond, Department of Natural Resources (DNRC)

00:29:14 Allen McAlear, Retired Lawyer, Bozeman

00:31:17 Patrick Montalban, Northern Montana Oil and Gas Association

00:33:47 Dave Galt, Executive Director, Montana Petroleum Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:34:21 Rep. Pomnichowski  
00:34:47 Mr. Richmond  
00:35:36 Rep. Pomnichowski  
00:35:52 Mr. Richmond  
00:36:53 Rep. Pomnichowski  
00:37:01 Mr. Richmond  
00:37:50 Rep. Pomnichowski  
00:38:11 Mr. Richmond  
00:39:07 Rep. Pomnichowski  
00:39:21 Mr. Richmond  
00:40:28 Rep. Pomnichowski  
00:40:56 Mr. Richmond

**Closing by Sponsor:**

00:42:11 Sen. Black

**HEARING ON SB 136**

**Opening Statement by Sponsor:**

00:44:37 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on SB 136, Clarifying oil well unit spacing requirement laws.

**Proponents' Testimony:**

00:45:41 Mr. Richmond  
00:48:02 Mr. Galt  
00:48:26 Mr. Montalban

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:48:58 Sen. Gebhardt

**HEARING ON SB 193**

**Opening Statement by Sponsor:**

00:49:42 Sen. Dan McGee (R), SD 29, opened the hearing on  
SB 193, Survey monument preservation.

00:55:42 Rep. Blewett returns.

**Proponents' Testimony:**

00:56:20 Joe Roberts, Montana Association of Registered Land  
Surveyers

**Opponents' Testimony:** None

**Informational Testimony:**

00:58:19 Mr. Richmond

**Questions from Committee Members and Responses:**

00:59:04 Rep. Miller  
00:59:27 Sen. McGee  
01:00:19 Rep. Miller  
01:00:27 Sen. McGee  
01:01:42 Rep. Dickenson  
01:02:43 Sen. McGee  
01:04:01 Rep. Pomnichowski  
01:04:32 Sen. McGee  
01:05:57 Rep. Pomnichowski  
01:06:05 Sen. McGee  
01:07:00 Rep. Hendrick returns.  
01:07:17 Rep. Vincent  
01:07:29 Sen. McGee  
01:07:51 Rep. Vincent

**Closing by Sponsor:**

01:07:56 Sen. McGee

01:09:17 Chairman Milburn

**EXECUTIVE ACTION ON SB 76**

01:10:22 **Motion/Vote:** Rep. Pomnichowski moved that **SB 76 BE CONCURRED IN**. Motion carried unanimously by voice vote with Rep. Belcourt voting by proxy. Rep. Pomnichowski will carry the bill.

**EXECUTIVE ACTION ON SB 136**

01:10:48 **Motion/Vote:** Rep. Pomnichowski moved that **SB 136 BE CONCURRED IN**. Motion carried unanimously by voice vote with Rep. Belcourt voting by proxy. Rep. Pomnichowski will carry the bill.

**EXECUTIVE ACTION ON SB 193**

01:10:56 **Motion/Vote:** Rep. Pomnichowski moved that **SB 193 BE CONCURRED IN**. Motion carried unanimously by voice vote with Rep. Belcourt voting by proxy. Rep. Bennett will carry the bill.

01:11:12 Chairman Milburn

**EXECUTIVE ACTION ON SB 246**

01:11:30 **Motion:** Rep. Hendrick moved that **SB 246 BE TAKEN FROM THE TABLE**.

01:12:22 Chairman Milburn

01:12:40 Mr. Kolman

01:12:52 Rep. Bennett

01:13:01 Rep. Mendenhall

01:13:06 Chairman Milburn

01:13:15 Rep. Mendenhall

01:13:26 Mr. Kolman

01:13:39 **Vote:** Motion carried 16-1 by voice vote with Rep. Vincent voting no. Rep. Belcourt voted by proxy.

**Discussion:**

01:14:09 Chairman Milburn

01:14:16 Mr. Kolman

01:14:40 Rep. Vincent

01:15:06 **Substitute Motion:** Rep. Bennett moved that **SB 246 BE AMENDED.**

**EXHIBIT** (nah70a01)

**Discussion:**

01:15:34 Rep. Dickenson

01:15:45 Rep. Bennett

01:16:07 **Vote:** Motion carried 14-4 by voice vote with Reps. Blewett, Cohenour, and Pomnichowski voting no. Rep. Blewett voted by proxy.

01:16:27 Chairman Milburn

01:16:50 **Motion:** Rep. Hendrick moved that **SB 246 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:17:00 Rep. Hoven

01:17:27 Rep. Mendenhall

01:17:53 Rep. Cohenour

01:18:12 Rep. Blewett

01:18:25 Mr. Kolman

01:18:51 Rep. Hoven

01:19:02 Rep. Van Dyk

01:19:12 Chairman Milburn

01:20:10 **Vote:** Motion carried 13-5 by voice vote with Reps. Mendenhall, Hoven, McGillvray, Vincent, and Warburton voting no. Rep. Belcourt voted by proxy. Rep. Hendrick will carry the bill.

**EXECUTIVE ACTION ON SB 297**

01:20:51 **Motion:** Rep. Hendrick moved that **SB 297 BE TAKEN FROM THE TABLE.** Motion carried 13-5 by voice vote with Reps. Warburton, Mendenhall, McGillvray, Bennett, and Vincent voting no. Rep. Belcourt voted by proxy.

**Discussion:**

01:21:50 **Motion:** Reps. Hendrick moved that **SB 297 BE CONCURRED IN.**

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01:22:01 Rep. Vincent  
01:22:16 Chairman Milburn  
01:22:53 Rep. Menahan  
01:23:13 Chairman Milburn  
01:23:40 Rep. Hoven  
01:24:00 Mr. Kolman  
01:24:28 Rep. Miller  
01:24:45 Chairman

01:25:01 **Vote:** Motion carried 12-6 with Reps. Mendenhall,  
McGillvray, Hoven, Warburton, Bennett, and Vincent  
voting no. Rep. Belcourt voted by proxy. Chairman  
Milburn will carry the bill.

1:25:47 Chairman Milburn

**ADJOURNMENT**

01:27:04 Adjournment: 4:40 P.M.

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Shirley Chovanak, Secretary

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Additional Documents:

**EXHIBIT ([nah70aad.pdf](#))**